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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,157	01/09/2002	Arthur Joseph Blake JR.	18133-096	1092
7590	10/15/2004		EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY and POPEO, P.C. One Financial Center Boston, MA 02111			ASHBURN, STEVEN L	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/044,157	BLAKE, ARTHUR JOSEPH
	Examiner Steven Ashburn	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 July 2004.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9-13, 15, 17-25, 28, 29, 33 and 35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9-13, 15, 17-25, 28, 29, 33 and 35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### Response to Amendment

In view of the appeal brief filed on July 23, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. The amendment filed July 23, 2004 has been entered.

To avoid abandonment of the application, appellant must exercise one of the following two options: (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or, (2) request reinstatement of the appeal. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### Claim Rejections - 35 USC § 103

**Claims 9, 10, 13, 15, 17-23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghassemain et al., U.S. Patent D426,242 (Jun. 6, 2000) in view of Mosnik, U.S 6,454,371 B1 (Sep. 24, 2002) and Chaudhry, U.S. 6,252,754 B1 (Jun. 26, 2001).**

Claims 9, 15 and 28: Ghassemain illustrates a design for a computer accessory stand. The reference teaches or suggests the following features of the applicant's claims:

- a. A main housing having a front face a bay formed in the front face. More specifically, figure 2 illustrates a rectangular region on the interior of the front face recognizable to an artisan as the front of a bay. Figure 3 illustrates the rear view of the stand having an interior, rectangular region recognizable to an artisan as the rear of the bay.
- b. A power strip. More specifically, figure 3 illustrates six square objects having three holes recognizable to an artisan power outlets mounted within a power strip.

Ghassemian does not expressly describe (a) a movable storage module disposed in the bay or (b) a surge suppressor. Regardless, as discussed below, these features would have been obvious to an artisan.

Regarding the movable storage module disposed in the bay, figure 3 of Ghassemian illustrates an interior rectangle structure recognizable to an artisan as a box. In addition, figure 3 illustrates structure on opposite sides of the interior rectangle recognizable to an artisan as slide rails attached to a box. However, because Ghassemian merely illustrates the computer stand, the function of these structures is indeterminate. Nonetheless, these functions of these structures are well known in the art. For example, Mosinik discloses an analogous stand having movable storage modules (i.e. drawers) mounted on slide rails and disposed within the bay of the stand's main housing. *See fig. 4-8.* Figure 8 illustrates the rear view of Mosinik's stand having a very similar to that illustrated in Ghassemian. Mosinik describes the interior rectangle portions as drawers for storing computer accessories or media. *See fig 7, 8(40)(52); col. 1:61-67.* Computer media include disks or memory cards. In addition, Mosinik describes the structures located on opposite sides of the drawers as slide rails. *See fig. 7, 8(60); col. 4:58-5:5.* Thus, in view of Mosinik, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer accessory cabinet disclosed by Ghassemian to include the feature of a movable storage module adapted to store computer accessories including disks or memory cards. As taught by Mosinik, the modification would enhance the stand by providing users with locations to store computer accessories. *See col. 3:18-24.*

Regarding the surge suppression system, figure 3 of Ghassemian illustrates the rear of the computer stand as including six square objects having three holes recognizable to an artisan as power strip. Power strips commonly include surge protection however, because Ghassemian merely illustrates a power strip attached to a computer stand, the function of the power strip is indeterminate. Nonetheless, these function of the illustrated features is well known in the art. For example, Chaudhry discloses a power strip for a plurality of electronic devices having a structure very similar to that illustrated by

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Ghassemian. *See fig. 1; col. 1:62-3:20.* Chaudhry states the device may be used alone or incorporated into another device. *See id.* Thus, in view of it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the accessory stand illustrated by the Ghassemian, wherein the stand incorporates a power strip, to replace the power strip with a surge suppressor. As suggested by Chaudhry, the modification would enhance the stand by significantly reducing the likelihood of fire or component failure in the equipment attached to the stand. *See col. 3:7-12.*

Consequently, when the prior art is taken as a whole at a time prior to the invention, it suggests modifying the computer accessory stand illustrated by Ghassemian to add the features of a movable storage module and a surge suppressor. As suggested by Mosinik, providing a movable module enhances the stand by providing users with locations to store computer accessories. *See col. 3:18-24.* As suggested by Chaudhry, providing a surge suppressor enhances the stand by significantly reducing the likelihood of fire or component failure in the equipment attached to the stand. *See col. 3:7-12.*

Claim 10. Chaudhry discloses a surge protector including surge protected outlets. *See fig. 1.*

Claim 12: Chaudhry discloses a surge suppression system providing protection to a plurality of electric devices through at least one jack. *See fig. 1.*

Claim 13: Chaudhry discloses a surge protector including a coaxial, RJ-45 or RJ-11 jacks. 3:62-4:16.

Claim 17: Mosinik discloses a storage module constructed and arranged to “store” [sic] at least one of a DVD, CD ROM and video game disk. *See fig. 9, 11; col. 3:66-67.*

Claim 18: Mosinik discloses a slideable media tray capable of holding disks and memory cards.

*See id.*

Claim 19: Mosinik discloses a closable door. *See fig. 1(30).*

Claim 20: The stand suggested by Ghassemain in view of Mosinik and Chaudhry describes all the features of the claim except the storage module having a label. Regardless, it is notoriously well known to label items to identify what they are or what they contain and thereby greatly reduce user misperception as to what the items are or contain. Furthermore, items are commonly labeled by manufacturers to communicate information (e.g. "High Voltage") or for tracking (e.g. serial numbers). In this case, it would have been obvious to an artisan at the time of the invention to modify the stand suggested by Ghassemain in view of Mosinik and Chaudhry to add the feature of a label to greatly reduce user misperception as to what the items are contained in the storage module.

Claim 21: Mosinik discloses a storage module constructed and arranged to store at least one of a DVD, CD ROM and video game disk. *See fig. 11; col. 3:66-67.* The drawer illustrated by Mosinik provides sufficient space to store the claimed media in their original cases.

Claim 22: Chaudhry discloses a surge suppression system providing protection to a plurality of electric devices through at least one jack. *See fig. 1.*

Claim 23: Chaudhry discloses a surge protector including a coaxial, RJ-45 or RJ-11 jacks. 3:62-4:16.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghassemain in view of Mosnik and Chaudhry, as applied to claims 9 and 15 above, in further view of Campbell et al., U.S. 5,596,479 (Jan. 21, 1997).**

Claim 11: The computer stand suggested by Ghassemain in view of Mosinik and Chaudhry describes every feature of the claim except power-on and surge-protection status lights. Regardless, Campbell discloses an analogous surge protector wherein the housing provides a variety of status lights including power-on and surge-protection status lights. *See fig. 1; col. 4:56-5:9.* In view of Campbell, it would have been obvious to an artisan at the time of the invention to modify the computer stand suggested by Ghassemain in view of Mosinik and Chaudhry, wherein the stand includes a surge protector, to add the feature of power-on and surge-protection status lights to indicate the status of the system and thereby allow users to know if the system is powered and operational.

**Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghassemain in view of Mosnik and Chaudhry, as applied to claim 15 above, in further view of Schoeman et al., U.S. 5,611,553 (Mar. 18, 1997).**

Claim 24. The computer stand suggested by Ghassemain in view of Mosinik and Chaudhry describes every feature of the claim except a controller clip configured to cradle a video game controller. Regardless, Shoeman disclose an analogous computer accessory stand providing controller clip configured to cradle a video game controller. *See fig. 1(38), 4(56); col. 4:26-31.* In view of Shoeman, it would have been obvious to an artisan to modify the computer stand suggested by Ghassemain in view of Mosinik and Chaudhry to add the feature of a controller clip configured to cradle a video game controller to provide a place to hold game pads. *See id.*

Claim 25. Shoeman discloses a controller clip constructed and arranged to accept a video game controller cord. *See id.*

**Claims 29, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghassemain in view of Mosnik and Chaudhry, as applied to claim 15 above, in further view of Stone et al., U.S. 6,597,567 B2 (Jul. 22, 2003).**

Claims 29 and 35. The computer stand suggested by Ghassemain in view of Mosinik and Chaudhry describes all the features of the claim except the housing having support portions on the top surface to support an electronic device wherein the supports are constructed and arranged to provide airflow between the electronic device and the surface of the housing.

Regardless, it is well known to that electronic devices require adequate airflow to remove heat generated by components with the device's housing. Furthermore, it is well known to employ spacers or feet housings for electronic devices to allow airflow between components and thereby enhance cooling of powered components to prevent overheating. For example, Stone discloses a stand having a similar construction to Ghassemain wherein supports are constructed and arranged to provide airflow between the electronic device and the surface of the housing. *See fig. 1(118).* Thus, in view of Stone, it would have been obvious to an artisan at the time of the invention to modify the computer stand suggested by Ghassemain in view of Mosinik and Chaudhry, wherein the upper surface is intended to hold an electronic device, to add the feature of having support portions on the top surface to support an electronic device wherein the supports are constructed and arranged to provide airflow between the electronic device and the surface of the housing. As taught by Stone, the modification would enhance the computer stand by providing preventing deformation of the housing and preventing the disruption of airflow required to cool the electronic device's interior components. *See col. 3:37-67.*

Claim 33: Mosinik discloses a storage module constructed and arranged to store at least one of a DVD, CD ROM and video game disk. *See fig. 9, 11; col. 3:66-67.*

### **Response to Arguments**

Applicant's arguments filed July 23, 2004 have been fully considered and are persuasive. Therefore, the rejection dated October 6, 2003 has been withdrawn. However, upon further consideration, a new grounds of rejection is made of the prior art discussed above.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

s.a.



MARK SAGER  
PRIMARY EXAMINER